

Improving the Response of the Justice System to Sexual Offences: Questions

Issues Paper A

Working Together to Respond to Sexual Offences: Systems

1 What would make it easier for people who have been sexually harmed to get the supports and services they need, so they can decide whether to report the sexual harm?

- Services to provide an anonymous service system as an option, in the first instance (as obviously this cannot continue if it gets reported), to allow people access to support even if they don't want to be identified.

This is a good point but there could still be a case file opened for them where they have their number and when they need to ring in to keep building that relationship and trust they tell them their case code number. This would be done through the correct worker and not the operator.

Better campaigns on what constitutes sexual assault. It is a hard conversation and campaign to do but it needs to happen as women, and men, are forced by their partners to have sex and this is sexual assault and it is not only illegal but infringes on their basic human rights.

- More Aboriginal workers in the sector
- More workers trained to have a greater knowledge to be able to work in the Aboriginal area. NOT cultural competency training. There needs to be new training developed, or look at some other areas to see if they have it, around the complexities of being Aboriginal, living as an Aboriginal in today's society, and what it means to be living and trying to access services, confidentially, when you have an Aboriginal service near where you live. The difference also of supports needed if living on or off country and how to access the most appropriate supports in either case.
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2 How can collaboration within the sexual assault system be improved, so that the justice system responds effectively to sexual harm?

3 How can the relationship between family violence services and the sexual assault system be improved, so that the justice system responds effectively to sexual harm?

- Sexual assault seems to be the second poor cousin in the new family violence sector. There seems to be a reluctance to prioritise the health and safety emergency within the family violence "sector" in terms of funding and privilege within the legal/government systems. Sexual assault needs the same care and attention as family violence is finally receiving.
- For some reason there is a disconnect between family violence & sexual assault. The issue is that sexual assault occurs within the family violence area is not spoken about or asked until the victim accesses a service. Look at the ad campaigns in the media, black eyes and homelessness. Nowhere do you see the sexual assault side and the campaigns around family violence from areas such as St Vinnies need to stop. Giving blankets to women does not stop family violence so these ads are misleading.

- The systems need to be better aligned to each other and not rely on the relationships that workers build at the local/ground level. There needs to be mandatory pathways created so that workers supporting the person knows who/where to go to.

4 How can the relationship between child protection and the sexual assault system be improved, so that the justice system responds effectively to sexual harm?

- Need more training for child protection practitioners on adult and child sexual assault
- Child protection workers need set and sustainable case loads, that allows for deeper and more safe work with families over a longer period of times
- Need for specially qualified child sexual assault counsellors to be hire and sitting within CP as well as an area that specializes in cases of child sexual assault and children behaving in a sexualized manner.

5 How can we improve how other services and systems work with the sexual assault system, so that people are supported to seek justice?

- Maybe a police reporting journey / support walker /officer, someone who can be there and provide support and advocacy when entering the justice system with your report.
- This journey walker needs to be there with the person longer than just the initial entering the system. This person needs to be able to support at the start, during the trial, at sentencing but more importantly if the offender goes to prison, the journey walker needs to make arrangements to contact the person a month or so before the offender is released to make sure that they are okay and is coping. They might even have to work with other services such as housing to get the person relocated to another town/city especially when families take the offenders side.

6 Is there a need for a stronger focus on governance or shared outcomes in the response of the justice system to sexual harm? If so, what should this look like?

Unless you know who becomes involved, or must be involved, this is a very hard question to answer but off the top of my head it would be lawyers, police and corrections to begin with. It's not just

- Sexual assault should reported against in both the Dhelk Dja Statewide Forum and the Aboriginal Justice Forum at length, at every meeting.
- Not just the numbers but ages, genders, same sex couples and nationality/heritage of both. Also, responses to each of the numbers/cases. For example: 10 men were sexually assaulted while in prisons in Victoria and was able to receive XX services or were not able to receive any support as there are no services available for men while in prison.

7 What are the opportunities for, and benefits of, improving data, research and evaluation in relation to sexual offending?

- Integral data would be how many people report a sexual offence, and data on what stage it gets to ie. Investigation, courts, charge. There doesn't seem to be a tracker/longitude study on reports and this would be useful to identify gaps, barriers, areas of concern etc.
- The data that is collected now is dependent on the services and what they will share externally. The issue is, Do they provide the data if a male/teenage male rings up and is told that they only provide services to women and younger children?

8 How well does the sexual assault system work? How would you improve it?



- System doesn't appear to work well. It appears to be so hard to get offences to be taken seriously at all, or even identified as sexual assault. Gender and racial balances in the upper power structures of the justice system would be the only way to see changes to the system.

Issues Paper B

Sexual Offences: Key Issues in the Criminal Justice System

1 Is there a need to improve attitudes towards victim survivors or the understanding of sexual harm within the criminal justice system? If so, how?

- Yes, there still seems to be victim blaming and the seriousness of a sexual offence upon someone (and whether at all it is deemed to be a sexual offence), seems to not match community standards. Maybe there needs to be victim advisory boards, or victim review panels, to investigate the law's handling of cases (even if identified).

2 Do you support introducing a specialist court for sexual offences? Why or why not?

Yes, as it says, specialist. These can be VC'ed in where the offender isn't present. It is hard enough to tell your story and what happened but when the person making the decision on the case doesn't have a good understanding of the complexities of sexual assault in a marriage or same sex relationship then this places the victim to be traumatized by the system or let down as the judge only understands sexual assault as being the rape of a female by a male who she doesn't know.

3 If you support introducing a specialist court for sexual offences, what features should it have?

Able to video in. Privacy areas for victims and families/support people to be able to wait or to take time out – be able to make a coffee/tea/cold water as needed. No visible notice of who will be in court that day. Counsellors on hand. If in the same court as the offender, then the need for the person to be able to give evidence without seeing the offender (Keep them both behind glass that can change from see through to black? Have speakers in the room for them to hear the questions from the judge/lawyers and a microphone, built into the table/bench area, so that their responses can be heard by all including the offender.

4 Do you support changing the role or nature of the jury in trials for sexual offences? Why or why not?

People come into trials with their own personal bias towards many things and for someone who has to testify in front of people about the sexually assaulted would be daunting. This could scare them from proceeding with the charges. There should be more than one person/judge making decisions on these cases, so a possible solution is people with specialized knowledge around sexual assault, family violence and be able to recognize the cultural aspects as well. This should/could be a mixture of former judges/lawyers but also Elders or respected persons and should be paid.

5 How well are reforms working to avoid delays in the criminal justice process, and what other reforms could address delay?

Cases are taking too long to proceed through the systems so many charges get dropped.

6 How well are support programs for people who have experienced sexual harm working? How can they be improved?

The programs are not working as good as they could be. With the high number of cases per worker things get missed or do not get addressed by the due timeline. Less

cases per worker would be a start.

- 7 What other issues affect the criminal justice process as a whole, and what should be done to address them?

Biggest problem is who is responsible for each part of the case and making sure that everything is covered off and the responsible party is held accountable to support the person from start to finish.

Issues Paper C

Defining Sexual Offences

- 1 Is there a need to change any of Victoria's sexual offences, or their application? If so, what changes?
- 2 How well is Victoria's model of communicative consent working? Should there be any changes?
- 3 Is there a need to change any of Victoria's technology-facilitated sexual offences, or their application? If so, what changes?
- 4 Are new offences or changes to offences needed to address existing or emerging forms of sexual harm? If so, what new offences or changes?

Issues Paper D

Sexual Offences: Report to Charge

- 1 How well are Sexual Offence and Child Abuse Investigation Teams (SOCITs) and Multidisciplinary Centres (MDCs) working? How can they be improved?
- 2 What other issues need to be addressed to improve the experience of the police investigation process for adults who have been sexually harmed? How can they be addressed?
- 3 What other issues need to be addressed to improve the experience of the police investigation process for children who have been sexually harmed? How can they be addressed?
- 4 What other issues need to be addressed during the investigation process to support successful criminal prosecutions in sexual offence cases? How can they be addressed?
- 5 Do you support access to alternative ways of reporting sexual harm? Why or why not?
- 6 If you support alternative ways of reporting sexual harm, what features should they have?

Issues Paper E

Sexual Offences: The Trial Process

- 1 How well are charging and prosecution decisions for sexual offence cases working? How can they be improved?
- 2 How well are ground rules hearings for sexual offence cases working? How can they be improved?



- 3 How well are special procedures and alternative arrangements for giving evidence in sexual offence cases working? How can they be improved?
- 4 How well are jury directions for sexual offence trials working? How can they be improved?
- 5 Is there a need to change any laws on evidence or procedure for sexual offences? If so, what should be changed?
- 6 What are some of the challenges with the appeals process for sexual offence cases? How can these be addressed?
- 7 How well does the Children's Court of Victoria deal with sexual offence cases? What should be improved?
- 8 What are other issues with the trial process for sexual offences, and how should they be addressed?

Issues Paper F

People Who Have Committed Sexual Offences

- 1 Do responses to sexual offending sufficiently address the diverse needs of different people who have committed sexual offences? If not, what more is needed?
- 2 How well are rehabilitation or reintegration measures for people who have committed sexual offences working? How can they be improved?
- 3 How well are post-sentence detention and supervision, and sex offender registration working? How can they be improved?
- 4 Is there a role for early intervention or diversion programs for adults responsible for sexual harm? Why or why not?
- 5 If you support early intervention or diversion programs for adults responsible for sexual harm, what should be the features of the program?
- 6 What is working well in responding to harmful sexual behaviour in children? What improvements can be made?
- 7 What other issues need to be addressed to improve Victoria's approach to sexual offending?

Issues Paper G

Sexual Offences: Restorative and Alternative Justice Models

- 1 Do you support adopting a restorative justice model for sexual offences? Why or why not?

Using a restorative justice model is dangerous. Only the strongest of the victims would be able to go through this process as it would bring up deep imbedded trauma that even the victim may not yet have recognized was affecting them until they confronted the offender. A restorative justice model, at times, has other people involved, such as families on both sides, so this could be even worse for the victim as family members could blame them for the failure of their family.

- 2 If a restorative justice model is adopted, what should its features be?

If anyone was looking at this model, they would need to put serious counselling and supports systems into place for the victim. Not only would the victim be confronting the



offender they would also be confronting everything that had happened to them from the sexual assault through to any other area that the person may feel they were victimized within their lives.

An in-depth research of the case that also needs to include the far-reaching impacts of holding these can and possibly will be. You would need a specialist/s in this field, sexual assault, counsellors as well as clear understanding and expectations on what they would be getting from this approach.

- 3 Is there a role for an inquisitorial model or features for sexual offences? If so, what should this look like?

Yes. In a normal court case, each side is trying to put their case forward to say that they are telling the truth with the other side trying to discredit them and what they have said. Both sides have their own agendas but the court/judges only agenda should be to get to the truth, what-ever that is. When a judge hears something that does not align to the story or they're a bit suspicious of, then they should be able to take a note of it and get another independent person to investigate it.

- 4 Is there a role for new initiatives to enable people who have experienced sexual harm to tell their stories and have them acknowledged? Why or why not?

Yes, but only for those who have been through counselling and their counsellors agree that they are in the right mental space. This could also include recorded, visual or sound only, that allows them time to tell their story over a longer time period. What-ever the process counselling needs to be offered and even if turned down a counsellor should always be present nearby.

- 5 Are there Aboriginal justice models that you think should be considered for sexual offences? If so, what are their strengths and weaknesses?

- 6 Do you support another alternative justice model for sexual offences? How should it work?

Issues Paper H

Sexual Offences: Civil Law and Other Non-Criminal Responses

- 1 What aspects of other justice processes provide best practice examples for supporting people who have experienced sexual harm?
- 2 How can the interaction between other justice processes and the criminal justice system be improved?

